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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,342

10/17/2003

Tsutomu Ohshimo

03629/LH

2282

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7590

06/29/2007

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC

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EXAMINER

MARKOFF, ALEXANDER

ART UNIT

PAPER NUMBER

1746

MAIL DATE

DELIVERY MODE

06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,342

Applicant(s)

OHSHIMO ET AL.

Examiner

Alexander Markoff

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-28 are rejected under 35 U.S.C. 102(b, e) as being anticipated by Kobayashi et al (WO 2002/0154187, US 2002/01192055, US 6,772,029).

Kobayashi et al teaches a device as claimed. See entire document, especially Figure 1 and the related description, and columns 3-10.

Kobayashi et al teach processing tanks, a transporting track, transporting devices, a scheduler, buffer stages, drying devices, loading – unloading units, cassettes. The transporting devices are operated as claimed. The scheduler prepares data for controlling the apparatus, including the transporting devices and multiple processing tanks as claimed. The scheduler prepares a schedule using the data entered and in advance, but also accommodates changes accruing in a real time

processing. The transporting devices are inherently do not operate in the same tank or stage at the same time.

As to the substrate fasteners and movable portions: since the transporting devices move the wafers from the cassettes to the processing units the substrate fasteners and vertical and horizontal portions of the transporting devices are inherently disclosed.

As to the fastener cleaning tanks: the claims do not specify the construction of the tanks, thereby these tanks are readable on any processing tank.

3. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al as applied to claim 16 above, and further in view of Kimura et al (US Patent No 6,161,969).

Kobayashi et al do not teach a shuttle as claimed. It is not clear from the document how unprocessed are moved in the apparatus:

However, the use of shuttles placed above the cassette stage and the transporting apparatuses was known in the art as evidenced by Kimura et al. See at least Figures 1 and 2 and the related description.

It would have been obvious to an ordinary artisan at the time the invention was made to incorporate conventional shuttle of Kimura et al in Kobayashi et al for it's primary purpose disclosed by Kimura et al.

Response to Arguments

4. Applicant's arguments filed 04/10/07 have been fully considered but they are not persuasive.

The applicants cancelled previously pending claims and submitted new claims. The applicants argue that the new claims could not be properly rejected over Kobayashi et al.

The examiner disagrees for the reasons presented in the rejections above.

In contrast to the applicants arguments the transporting devices operate at ranges as claimed. The claims only prohibit placing the transporting device at the same tank together with another transporting device at the same time, but such is inherent because placing two different devices in the same time would cause collision and brage of the apparatus of Kobayashi et al.

The applicants argue that Kobayashi et al do not teach a scheduler as claimed.

The examiner disagrees.

The scheduler of Kobayashi et al prepares data for controlling the apparatus, including the transporting devices and multiple processing tanks as claimed. The scheduler prepares a schedule using the data entered and in advance, but also accommodates changes accruing in a real time processing in multiple tanks.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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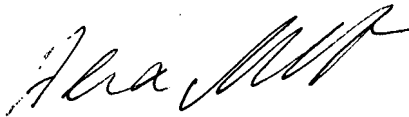
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Markoff
Primary Examiner
Art Unit 1746

AM

ALEXANDER MARKOFF
PRIMARY EXAMINER